Remarks

Claims 1-21 are pending in the application.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugaczewski et al. (Patent 6,903,755, hereinafter "Pugaczewski").

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugaczewski in view of Mayo et al. (Patent 5,751,965, hereinafter "Mayo").

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli et al. (Patent 5,831,610, hereinafter "Tonelli").

Claims 12, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, and further in view of Mayo.

Claims 14-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, in view of Mayo, and further in view of Galou et al. (Patent 6,957,263, hereinafter "Galou").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same

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as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

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Rejection Under 35 U.S.C. 102

Claims 1-3 and 5

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugaczewski. The rejection is traversed.

Independent claim 1 has been amended to further clarify Applicants' invention, and recites, in part:

> "(d) selecting at least some of said network element objects and bridge objects to form a graphical representation of the circuit being provisioned; wherein said selected network element objects are selected by a user, and comprise a start node, an end node and at least one intermediate node between the start and end nodes." (emphasis added).

The amended claim is fully supported by the original specification, e.g., at least on page 3, lines 30-32. Thus, no new matter has been added.

Pugaczewski teaches "a network management system and graphical user interface for configuring a network connection between first and second surface access points using a configuration manager and information manager to provide a generic set of models so that different manufacturers' nodal processors and other network hardware can be inserted into the network with minimal changes to the software which controls the device." (Abstract)

Applicants submit that Pugaczewski does not teach a method or system for provisioning a circuit in a communications network that includes "selecting at least some of said network element objects and bridge objects to form a graphical representation of the circuit being provisioned; wherein said selected network element objects are selected by a user, and comprise a start node, an end node and at least one intermediate node between the start and end nodes," as provided in the amended claim 1.

In the Response to Applicants' Arguments (page 19 of the Office Action), the Examiner cited Pugaczewski's Fig. 25, and stated that the user "can manipulate the provisioning tool to and select the icon representing the cloud and then proceed to process of moving a connection around."

Applicants disagree that there is any teaching in connection with Fig. 25 regarding the user's ability to move the connections around.

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Instead, Pugaczewski teaches that the provisioning tool includes various provisioning tabs (Figs. 22-23), and "[t]he system user that is provisioning the service only needs to provide first and second service access points (SAPs)" (col. 19, lines 60-62, emphasis added). These two access points correspond respectively to two end points, e.g., an internet service provider (ISP) or a company host site, and the subscriber trying to connect to the ISP (col. 19, line 62 to col. 20, line3).

Pugaczewski further teaches that:

"Once both end points have been selected, the graphical interface directs the user, that is, gives the user the option to, initiate a connection build. A connection build is initiated by pressing the green light 546 of the stop light symbol shown in the bottom of the provision tab 524. Pressing button 546 immediately brings up the topology tab" (col. 20, lines 9-14); and

"[w]ith continuing reference to FIGS. 24 and 25, the user is given live feedback (in preferred embodiments) while the service is being provisioned" (col. 20, lines 29-21).

Fig. 25 shows a view of the network management layer (NML), in which various icons change colors according to different status during the provisioning process (col. 20, lines 21-40). The user may expand any of the subnet icons to show the corresponding element management layer of Fig. 26, and can click on any image to show the exact provisioning information (col. 20, lines 54-55). In another embodiment, the user is directed to select a connection bandwidth for the virtual circuit and a time duration for the selected bandwidth (col. 4, lines 40-65).

In short, the provisioning tool in Pugaczewski allows the user to select two end points, a connection bandwidth and a time duration for the connection, pushes a green light button to initiate the connection build, and brings up a graphical display that provides live feedback to the user as the service is being provisioned.

There is nothing in Pugaczewski's Figs. 22-26 regarding the user's selection of different network element objects (or icons) for provisioning a circuit that includes "wherein said selected network element objects are selected by a user, and comprise a start node, an end node and at least one intermediate node between the start and end nodes," as recited in the amended claim 1.

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As such, the amended claim 1 is not anticipated by Pugaczewski, and thus, allowable under 35 U.S.C. 102(b).

Since dependent claims 2-3 and 5 depend from independent claim 1 and include all the limitations of claim 1, each such dependent claim is also allowable over Pugaczewski under 35 U.S.C. 102(b) for the same reasons set forth above.

Accordingly, claims 1-3 and 5 are patentable under 35 U.S.C. 102(b) over Pugaczewski. Therefore, the rejection should be withdrawn.

Rejection Under 35 U.S.C. 103(a)

Claim 4

Claim 4 is rejected as being unpatentable over Pugaczewski in view of Mayo et al. (Patent 5,751,965, hereinafter "Mayo"). The rejection is traversed.

This ground of rejection applies only to a dependent claim, which depends from claim 1, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Pugaczewski. Since the rejection of claim 1 under 35 U.S.C. 102 given Pugaczewski has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Mayo supplies that which is missing from Pugaczewski to render claim 1 anticipated, this ground of rejection cannot be maintained.

Thus, for at least the same reason set forth above in connection with claim 1, claim 4 is patentable under 35 U.S.C. 103(a) over Pugaczewski in view of Mayo. Therefore, the rejection should be withdrawn.

Claims 6-11

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli. The rejection is traversed.

Claim 6 has been amended to further clarify Applicants' invention as a graphical user interface for use in provisioning a circuit, and further recites, in part:

> "in response to a user selection of at least some network element objects,
> the network elements corresponding to the selected network objects are
> selected for use in provisioning the circuit; and each corresponding status
> icon displays information as to the status of a communications channel
> associated with the respective selected network element; wherein said

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selected network elements comprise a start node, an end node and at least one intermediate node between the start and end nodes."

The amended claim is fully supported by the original specification, e.g., at least on page 3, lines 30-32. Thus, no new matter has been added.

In rejecting claim 6, the Examiner cited various icons in Dev's Figs. 8A-B and related discussions as being analogous to Applicants' network element objects and bridge objects, and further relied on Dev's col. 5, lines 29-31 as disclosing "provisioning a circuit board" (page 6, Office Action).

The Examiner further cited Tonelli's col. 9, lines 1-67, col. 17, lines 5-20 and Figs. 34 and 38-42 for allegedly teaching a process of "allowing a user to provision a network circuit by allowing the user to configure, add and modify a network connection" by selecting the graphical object (page 6, Office Action).

Applicants disagree that the combined teaching of Dev and Tonelli would have resulted in Applicants' claim 6.

Specifically, Dev teaches a method for monitoring the status of a non-pollable device in a computer network, and a network management system that includes a user interface, a virtual network and a device communication manager (Dev, Title and Abstract, emphasis added). User displays are provided to allow for different views of the network configuration, with multifunction icons that permit the user to select additional displays showing detailed information regarding different aspects of the corresponding network devices (see Abstract).

Throughout the cited sections of Dev, it is clear that models and icons are only used for monitoring and providing information to the user, as opposed to being selected by user for provisioning a circuit, as in Applicants' invention.

For example, Dev teaches:

"A user interface object such as an icon manager or a view manager may communicate with a model, model type or model relation in the virtual network machine in order to retrieve attribute data." (col. 14, lines 41-44, emphasis added); and

"The multifunction icons used in the network management system provide a highly flexible technique for presenting information to the user." (col. 14, lines 49-51, emphasis added).

Dev further teaches that the network management system performs two major operations during normal operation:

"[i]t services user requests entered by the user at user interface 10 and provides network information such as alarms and events to user interface 10. In addition, the virtual network machine 12 polls the network to obtain information for updating the network models as described hereinafter" (col. 5, lines 13-18), and

"the information received from the network is processed so that the operational status, faults and other information pertaining to the network are presented to the user in a systematized and organized manner" (col. 5, lines 22-25).

Thus, it is clear that Dev's icons are used solely for the purpose of system monitoring and providing information to the user. As one skilled in the art would understand, providing information or presenting a view of a circuit is not "provisioning a circuit" (which involves allocating resources to form a communications link).

Thus, Applicants submit that Dev does not teach selecting icons for use in provisioning a circuit, or that the user-selected network elements for provisioning the circuit include a start node, an end node and at least one intermediate node, as provided in Applicants' claim 6.

Tonelli also fails to bridge the substantial gap between Dev and Applicants' invention of independent claim 6.

Specifically, Tonelli teaches a method for designing networks that includes placing device icons representing intelligent device objects on a network design sheet, selecting a media type representing an intelligent media object, and connecting the media type to a first one of the device icons and validating the connection (Abstract, emphasis added).

In other words, Tonelli only teaches icons in a design software tool, which is different from a graphical user interface (GUI) that allows a user to provision a circuit by selecting actual network elements for connections in the network.

This interpretation is supported by Tonelli, which teaches that:

"[t]he network design software allows users to quickly and easily design networks and generate diagrams and documentation, including workorders and bills of materials. Through a design database and a rules engine, the network design software has the intelligence ("network aware") to know

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the features and constraints of network devices and media" (col. 2, lines 41-47, emphasis added).

Thus, the combined teaching of Dev and Tonelli would still not have resulted in Applicants' GUI for provisioning a circuit that includes at least: "in response to a user selection of at least some network element objects, the network elements corresponding to the selected network objects are selected for use in provisioning the circuit; and each corresponding status icon displays information as to the status of a communications channel associated with the respective selected network element; wherein said selected network elements comprise a start node, an end node and at least one intermediate node between the start and end nodes," as provided in claim 6.

As such, Dev and Tonelli, either singly or in combination, fail to teach or suggest Applicants' claim 6.

Since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over the combination of Dev and Tonelli under 35 U.S.C. 103(a). Thus, claims 7-11 are also patentable over Dev and Tonelli.

Claims 12-13 and 18-19

Claims 12-13 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, and further in view of Mayo. The rejection is traversed.

This ground of rejection applies only to dependent claims, which depend indirectly from claim 6, and is predicated on the validity of the rejection under 35 U.S.C. 103 given Dev in view of Tonelli. Since the rejection of claim 6 under 35 U.S.C. 103 given Dev in view of Tonelli has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Mayo supplies that which is missing from Dev and Tonelli to render the independent claim 6 unpatentable, this ground of rejection cannot be maintained.

Thus, without conceding whether the combination of Dev with Tonelli and Mayo or the Office Action's interpretation of the teachings of Mayo is proper, Applicants submit that, for at least the same reasons set forth above in connection with claim 6,

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claims 12-13 and 18-19 are patentable under 35 U.S.C. 103(a) over Dev in view of Tonelli, and further in view of Mayo. Therefore, the rejection should be withdrawn.

Claims 14-17 and 20-21

Claims 14-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, in view of Mayo, and further in view of Galou. The rejection is traversed.

This ground of rejection applies only to dependent claims, which depend indirectly from claim 6, and is predicated on the validity of the rejection of claim 6 under 35 U.S.C. 103 given Dev in view of Tonelli. Since the rejection of claim 6 under 35 U.S.C. 103 given Dev in view of Tonelli has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Mayo and Galou supply that which is missing from Dev and Tonelli to render the independent claim 6 unpatentable of rejection cannot be maintained.

Thus, without conceding whether the combination of Dev with Tonelli, Mayo and Galou or the Office Action's interpretation of the teachings of Mayo and Galou is proper, Applicants submit that, for at least the same reasons set forth above in connection with claim 6, claims 14-17 and 20-21 are patentable under 35 U.S.C. 103(a) over Dev in view of Tonelli, in view of Mayo, and further in view of Galou. Therefore, the rejection should be withdrawn.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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Eamon J. Wall
Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

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